

WORK SESSION
FEBRUARY 9, 2021

The Town Board of the Town of Conklin held a Work Session at 6:00 P.M. on February 9, 2021, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided.

PRESENT: Town Board Members Finch, Boyle, Farley, Francisco, Dumian

 Town Counsel Cheryl Sacco
 Town Clerk Sherrie L. Jacobs
 Highway Superintendent Brian Coddington
 Assessor Joseph Cook
 Code Officer Nick Pappas
 Parks/Water/Sewer Superintendent Tom DeLamarter

GUESTS: Country Courier Elizabeth Einstein
 Laurie Francisco
 Peter J. Motsavage
 William Dumian, Sr.
 John Colley

WIND & SOLAR POWER EXEMPTIONS/JOSEPH COOK

Town Assessor Joseph Cook spoke to the Town Board about exemptions for Wind and Solar Power facilities. He stated that the main question is whether municipalities opt in or opt out of PILOT (Payment In Lieu Of Taxes) programs for these facilities, adding that New York State sets it up so that all municipalities opt in by default, unless they choose to opt out.

Mr. Cook stated that if a municipality opts out of the PILOT exemption, it appears that it is unfriendly to green energy. The utility company can still obtain a PILOT from the BCIDA (Broome County Industrial Development Agency or The Agency), but the municipality has no say in the discussion regarding the PILOT if it opts out. Mr. Cook stated that if the Town opts in, it gives the Town more control and makes it easier for green energy to come in to the Town. Mr. Dumian added that it is a small part of the tax revenue, but if the Town opts in, the Town gets more of the total. Town Attorney Cheryl Sacco stated that with a 15-year PILOT, the maximum the PILOT can be is the maximum allowed assessment. Mr. Dumian stated that the State allows 60 days after an application is received from a green energy company to work through the application process, including the PILOT. Ms. Sacco stated that only additional build-out (improvement) is included in the PILOT program. She added that the County, school district, and Town must all decide whether to opt in or opt out, and should make the other taxing entities aware of their decision.

Mr. Cook stated that a municipality must decide to opt in or opt out for all applicants, regardless the size of the project. It cannot pick and choose for which projects it will opt in or opt out. Mr. Cook stated that resources for removal and clean-up of equipment after a green energy facility’s lifespan has ended are included in the PILOT program. Mr. Dumian stated that this decommissioning process is set during the application process.

Ms. Sacco stated that the Town is looking at three levels of wind and solar energy:

- 1) Residential – a few solar panels on a house, for example
- 2) Moderate – energy farms, not regulated by New York State or federal regulations
- 3) Large – regulated by New York State or the federal government. This would require a local law for zoning, set back and height restrictions.

Mr. Dumian stated that if the local law is too restrictive, the State or the federal government can use Article 10, which requires municipalities to co-operate and reach out to green energy sources. Ms. Sacco stated that the Town could have a Host Community Agreement (HCA), which provides for a decommissioning requirement.

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Mr. Dumian stated that New York State and the federal government are pushing green energy, especially solar and wind energy. Ms. Sacco stated that the Town should not use zoning to “zone out” green energy, but rather should set reasonable standards. Mr. Dumian added that the Town’s Comprehensive Plan stated that the Town will look at all energies.

REGULAR TOWN BOARD MEETING
FEBRUARY 9, 2021

The Town Board of the Town of Conklin held a Regular Town Board Meeting at 6:30 P.M. on February 9, 2021, at the Conklin Town Hall. Mr. Dumian, Supervisor, presided. The meeting opened with the Pledge of Allegiance.

PRESENT: Town Board Members Finch, Boyle, Farley, Francisco, Dumian
Town Counsel Cheryl Sacco
Town Clerk Sherrie L. Jacobs
Highway Superintendent Brian Coddington
Assessor Joseph Cook
Code Officer Nick Pappas
Parks/Water/Sewer Superintendent Tom DeLamarter

GUESTS: Country Courier Elizabeth Einstein
Laurie Francisco
Peter J. Motsavage
William Dumian, Sr.
John Colley
Sandi Beam
William Osborne
Ellen Osborne
Jason Osborne

MINUTES: JANUARY 26, 2021 REGULAR TOWN BOARD MEETING

Mr. Finch moved to approve the January 26, 2021 Regular Town Board Meeting minutes as presented.

Seconded by Mr. Francisco.

VOTE: Finch – Yes, Boyle – Abstain, Farley – Yes, Francisco – Yes, Dumian – Yes. Motion carried: 4 – Yes, 1 – Abstain.

**PRESENTATION/CERTIFICATE OF APPRECIATION/
EAGLE SCOUT/JASON OSBORNE**

Mr. Dumian and Parks Superintendent Tom DeLamarter presented Jason Osborne with a Certificate of Appreciation recognizing his achievement of the rank of Eagle Scout. One of Jason's projects was the construction of two handicapped accessible picnic tables for the Town, which are currently located in the new pavilion near the Maines Community Center. Jason's other project was the construction of two monofilament recycling bins for fishing line, which will be placed in Broome County parks. Jason received a round of applause from those present.

PUBLIC COMMENTS: None.

REPORT: SUPERVISOR'S OFFICE

The Supervisor's Report is on file in the office of the Town Clerk.

OLD BUSINESS:

CHARTER SPECTRUM/ GRATSINGER ROAD SERVICE

Mr. Dumian stated that Charter Spectrum plans to finish bringing cable service to the last ten houses on Gratsinger Road, hopefully between June and September of this year, adding that there will be a small fee for residents if their house is more than 250 feet from the right-of-way.

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FEBRUARY 9, 2021

ZONING UPDATES/WIND & SOLAR POWER FACILITIES

Recapping the discussion during the Work Session, Mr. Dumian stated that the Town cannot create local laws to deter renewable energies, but must instead put reasonable standards in place. He further explained that small projects, such as residential applications, will be handled by the Code Office and not the Town Board. Moderate and large projects, which would involve a PILOT agreement, will be reviewed by the Town Board and handled in a similar manner to applications for the Corporate Park. Mr. Dumian stated that the break over point will be either the cost of the project or the megawatts produced. Zoning ordinances could regulate setbacks and access to emergency shutoffs. One question that was raised was whether electricity can be sold back to NYSEG (New York State Electric and Gas Company) or if only the amount of electricity to be used by the entity can be produced.

HIGHWAY GARAGE FIRE

Mr. Dumian gave an update on the status of the Highway Garage, beginning with building and contents. He stated that the cleaning of the building is in progress, after the insurance carrier rejected both of ServPro's original bids. He stated that ServPro and the insurance carrier settled on a price of \$230,000, although the original approximate charge of \$100,000 for emergency cleaning has still not been settled. Mr. Dumian reiterated that the Town must "follow the process."

Mr. Dumian stated that all contents have been removed – the question is whether they will be repaired or replaced. A meeting is scheduled for February 11 with multiple contractors. Mr. Dumian stated that the roof membrane is separated from the metal decking. He stated that core samples of building materials will be taken to determine the amount of damage sustained in the fire. Mr. Dumian stated that the electrical service in the building will probably need to be replaced, while the cleaning company will attempt to clean the brick outside. He stated that new garage doors are very difficult to obtain right now and will probably take 12 to 16 weeks to arrive. He stated that the Town is "working toward not paying out of pocket."

Mr. Dumian next moved to a discussion of trucks and vehicles. He stated that, at least in the initial evaluation, the backhoe and loader do not seem to have mechanical issues, although they need to be cleaned.

Mr. Dumian stated that Truck 46 melted in the fire and is a total loss. He stated that the stated value of that truck is \$79,421 minus a \$500 deductible, leaving \$78,921 that the insurance company will pay. Replacement cost for this truck is \$159,000, which would mean \$80,000 out of pocket expense for the Town if a new truck is purchased.

Mr. Dumian stated that Truck 44 and Truck 48 were closest to Truck 46 during the fire. Tracy Equipment evaluated the trucks and stated that it would cost an estimated \$29,659.21 to repair Truck 44, which has a stated value of \$181,000. Tracy Equipment estimates it would cost \$22,798.79 to repair Truck 48, which has a stated value of \$174,000. Electrical damage would be evaluated on both trucks at a later date. Burr Trucking will do an electrical assessment on both trucks. If the insurance carrier paid the Town the total stated value for Trucks 44 and 48, it would owe the Town \$355,000, if the trucks were declared a total loss. However, the insurance carrier will not total Trucks 44 and 48, stating that they can be repaired. Mr. Dumian stated that no one will guarantee how long these trucks will hold up if repaired. He stated that the only truck with which the Town has a choice is Truck 46.

Mr. Dumian stated that the remaining three trucks, Truck 42, 47, and 49, must be taken to Syracuse to be evaluated, but the Highway Department is still using them to plow snow, so the evaluation will have to wait until warmer weather. The Town is still paying bonds for two to three more years on these three trucks, with the bonds being uncallable without a penalty. Mr.

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Dumian stated that the Town must stay below the tax cap, adding that the Town cannot add more bonds or raise the Highway budget.

“How many trucks do we need?” asked Mr. Dumian. “Everything we have,” replied Highway Superintendent Brian Coddington. “How much will the Town spend?” asked Mr. Dumian, adding that the Town must “explore every option.” He stated that the Town can use old Trucks 43 and 50. Mr. Boyle stated he believes the Town should buy used vehicles to get through the next two or three years then rebuild the fleet. He also stated the Town could borrow trucks from other municipalities. Mr. Coddington stated that the Town of Union has offered the loan of a truck from its fleet to the Town of Conklin. It was noted that the Town of Triangle has a truck for sale. The Board discussed various options relating to how much money to spend. Mr. Coddington stated that the Town would not have to start paying on a new truck until 2022, even if it is ordered now. Mr. Dumian stated that the fire occurred on December 20, 2020, and the Town is “just getting numbers now,” on February 9, 2021.

Mr. Boyle stated that the Town could buy a truck without a box and install a stainless steel box on it. Mr. Finch stated, “We don’t have money for stainless.” Mr. Dumian stated that the insurance company is concerned with mechanical damage, not health and safety of the workers. He added that the Town still owes on the backhoe for three more years, but added that the backhoe and loader are not as important right now as the plow trucks. Ms. Sacco asked if the Board had looked at Auctions International for used trucks and Mr. Coddington stated that nothing is available for sale right now.

NEW BUSINESS:

NEW APPLICATION/274 BROOME CORPORATE PARKWAY

Mr. Dumian stated that the Town received a new application from a business seeking to locate at 274 Broome Corporate Parkway, adding that he has discussed PILOT agreements and buildable property with the BCIDA.

RESO 2021-22: APPROVE PAYMENT/BILL LIST/2-4-2021/\$7,477.24

Mr. Farley moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List dated February 4, 2021 (for 2020 expenses), in the total amount of \$7,477.24:

General	\$ 5,171.66
Highway	2,032.63
Sewer Districts	<u>272.95</u>
Total	\$ 7,477.24

Seconded by Mr. Francisco.

VOTE: Finch – Abstain, Boyle – Yes, Farley – Yes, Francisco – Yes, Dumian – Yes. Motion carried: 4 – Yes, 1 – Abstain.

RESO 2021-23: APPROVE PAYMENT/BILL LIST/2-4-2021/\$312,712.67

Mr. Francisco moved for the following resolution:

Be It Resolved: that the Town Board of the Town of Conklin approves payment of the following Bill List dated February 4, 2021 (for 2021 expenses), in the total amount of \$312,712.67:

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General	\$ 13,085.31
Highway	8,840.90
Water Districts	4,767.39
Sewer Districts	1,829.07
Fire District	275,550.00
Non-Budgeted	<u>8,640.00</u>
Total	\$312,712.67

Seconded by Mr. Finch.

VOTE: Finch – Yes, Boyle – Yes, Farley – Yes, Francisco – Yes, Dumian – Yes. Motion passed unanimously.

PUBLIC COMMENTS: None.

TAX ON CABLE/DARK FIBER

Mr. Boyle asked if New York State will tax the cable per mile for dark fiber. Ms. Sacco stated that she is unsure and suggested that Mr. Richard Comi, whose company is handling the cell tower application on Scofield Road, should come to a Board meeting to discuss this issue.

UPDATES/C. FRANCISCO

Mr. Francisco stated that he is seeing some progress with Broome County in getting the fence at Shawsville Cemetery repaired, after it was damaged by a County-owned plow truck.

Mr. Francisco stated that he is looking at the lighting at the ballfields at Schnurbusch Park and will have more information at the next meeting.

BUDGET

Mr. Dumian stated that the Town has a “good budget in place,” which has been extremely helpful with the challenges the Town has faced in the past year and so far this year.

There being no further business to come before the Board, Mr. Francisco moved for adjournment, seconded by Mr. Finch. The meeting adjourned at 8:15 P.M.

Respectfully submitted,

Sherrie L. Jacobs
Town Clerk